



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APR - 3 2003

Paper No. 29

In re Application of :
John Musacchia, Jr. : DECISION ON PETITION
Application No. 09/174,868 :
Filed: October 19, 1998 :
Attorney Docket No. 33057.1 :

This is a decision on the petition filed on March 24, 2003 by which petitioner requests that this application be accorded special status for advanced examination out of turn. The petition fee of \$130.00 has been received.

The petition is granted.

The basis for the petition is the practice set forth in MPEP § 708.02(II), Infringement. A review of the petition shows that petitioner has met all of the requirements for a petition to make special based upon the grounds of actual infringement.

Accordingly, the examiner will treat this application as special throughout its prosecution. Prior to the next action on the merits, the examiner will conduct a rigorous search for potentially interfering applications. The interference search will be brought up to date prior to each additional action.

The application is being forwarded to the Supervisory Patent Examiner of Patent Examining Art Unit 3712, who will forward the application to the examiner for action consistent with this Decision.

PETITION GRANTED.



Stephen Marcus, Special Program Examiner
Patent Examining Groups 3710 and 3720

Gerald E. Helget
Briggs and Morgan P.A.
2400 IDS Center
80 South Eighth Street
Minneapolis, MN 55402